

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Trustees of the Unite Here National Health Fund,
et al.,

Plaintiffs,

-against-

Michael Stuart Design, Ltd.,

Defendant.
-----X

07 Civ. 6770 (PAC)
ORDER OF DISCONTINUANCE

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court having been advised that all claims asserted herein have been settled¹,
it is,

ORDERED, that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the settlement not be consummated within thirty (30) days of the date hereof. The Court will sign a Stipulation of Settlement upon receipt from either party. In light of the settlement, the conference scheduled for Monday, June 9, 2008 at 2:30 PM has been taken off the calendar. The Clerk of Court is directed to close this case.

Dated: New York, New York
June 9, 2008

SO ORDERED



PAUL A. CROTTY
United States District Judge

¹ See attached letter dated June 6, 2008 from David C. Sapp.

UNITE HERE Fund Administrators
An Affiliate of Amalgamated Life

UNITE HERE Fund Administrators, Inc.

June 6, 2008

730 Broadway
New York, NY 10003-9511
212-539-5576
87-0710

VIA FACSIMILE (212) 805-6304

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10003

Re: UNITE HERE National Health Fund, et al. -v.- Michael Stuart Design
Ltd.,--- 07-CV-6770 (PC)

Dear Judge Crotty:

We represent the plaintiffs in the above-referenced action to enforce the provisions of a collective bargaining agreement under Section 515 of ERISA. As permitted by Rule "E" of your Honor's Individual Practices, we are writing to request a 30-day adjournment of the pretrial conference scheduled for June 9, 2008 at 2:30 p.m. Keith LePack, Esq., defendant's counsel, has advised us that defendant joins in this request.

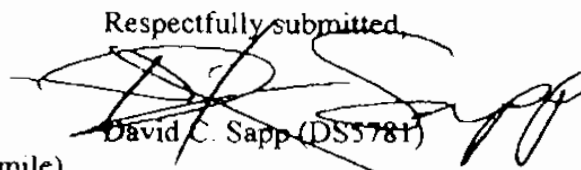
As we previously advised the Court, the parties have reached a tentative settlement of the claims in this action. Certain additional issues relating to the settlement have, however, arisen. These issues will require a brief amount of time to resolve. After resolution of the outstanding issues, the parties will require additional time to conclude the drafting and circulation of the necessary settlement documents, including a stipulation of dismissal.

While the parties continue to strongly anticipate conclusion of a settlement of the action, plaintiffs are writing to reserve the right to continue the action should the settlement not be concluded within the time period requested herein.

The instant application is the third request for an adjournment of the pretrial conference.

The Court's considerations are appreciated

Respectfully submitted,


David C. Sapp (DS5781)

cc: Keith LePack, Esq. (via facsimile)